

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Monte Clark,

Respondent

) A.Q. Docket No. 06-0002
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) Consent Decision

This proceeding was instituted under the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, the respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Monte Clark is a resident of the State of Colorado with a mailing address of 37550 East 120th Avenue, Hudson, Colorado 80642.

2. (a) On or about June 20, 2004, 26 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about June 20, 2004, 26 horses were shipped in commercial transportation for slaughter but no one observed the horses at least once every six (6) hours during transit to check their physical condition or noticed the death of one of the horses.

3. On or about October 17, 2004, 42 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

4. (a) On or about September 25, 2005, 43 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about September 25, 2005, 43 horses were shipped in commercial transportation for slaughter but one of the horses in the shipment, an appaloosa mare with USDA back tag # USBL 9047, had a pre-existing injury to its left front leg such that it could not bear weight on all four limbs, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

(c) On or about September 25, 2005, 43 horses were shipped in commercial transportation for slaughter and delivered to the slaughter facility outside normal business hours, when no USDA representative was present, but no one remained at or returned to the slaughter facility to meet the USDA representative upon his arrival there.

5. On or about September 6, 2006, 42 horses were shipped in commercial transportation for slaughter but one of the horses in the shipment, bearing USDA back tag # USDE 6768, was blind in both eyes, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

6. On or about January 30, 2007, 30 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

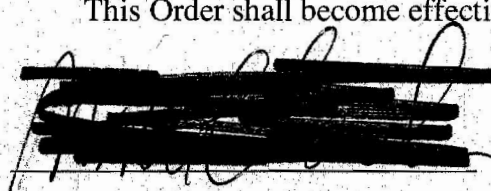
Conclusions


Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

Respondent Monte Clark is assessed a civil penalty of one thousand five hundred dollars (\$1,500.00). Respondent shall send a certified check or money order for one thousand five hundred dollars (\$1,500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.


This Order shall become effective when served on respondent.


MONTE CLARK
Respondent


THOMAS NEIL BOLICK
Attorney for Complainant

Issued this 13th day of July, 2007

at Washington, D.C.


Administrative Law Judge